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Message Text

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ACTION IO-10

INFO OCT-01 AF-06 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 ARA-06 EA-07 NEA-10 DHA-02 AS-01 /101 W
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R 182110Z NOV 75
FM USMISSION USUN NY
TO SECSTATE WASHDC 4109
INFO AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY PRETORIA

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E.O. 11652: N/A
TAGS: PFOR UN WA
SUBJ: SECURITY COUNCIL: NAMIBIA

REF: USUN 5998

FOLLOWING IS TEXT OF SWAPO DRAFT ON NAMIBIA. WE UNDERSTAND THAT AFRICANS NOW MAY WISH TO PUT OFF SC DEBATE ON NAMIBIA UNTIL JANUARY, WHEN TANZANIA WILL BE PRESIDENT.

QTE

THE SECURITY COUNCIL,

RECALLING GENERAL ASSEMBLY RESOLUTION 2145(XXI) OF 27 OCTOBER 1966, WHICH TERMINATED SOUTH AFRICA'S MANDATE OVER THE TERRITORY OF NAMIBIA, AND RESOLUTION 2248(S-;) OF 1967, WHICH ESTABLISHED A UNITED NATIONS COUNCIL FOR NAMIBIA, AS WELL AS ALL OTHER SUBSEQUENT RESOLUTIONS ON NAMIBIA, IN PARTICULAR RESOLUTION 3295(XXIX) OF 13 DECEMBER 1974, AND RESOLUTION .....(XXX) OF.....

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RECALLING SECURITY COUNCIL RESOLUTION 245(1968) OF 25

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JANUARY AND 246 (1968) OF 14 MARCH 1968, 264(1969) OF 20
MARCH AND 269(1969) OF 12 AUGUST 1969, 276(1970) OF 30
JANUARY, 282(1970) OF 23 JULY, 283(1970) AND 284(1970)
OF 29 JULY 1970, 300 (1971) OF 12 OCTOBER AND 301(1971)
OF 20 OCTOBER 1971, 310(1972) OF 4 FEBRUARY 1972, AND 366
(1974) OF 17 DECEMBER 1974.

RECALLING THE ADVISORY OPINION OF THE INTERNATIONAL COURT
OF JUSTICE OF 21 JUNE 1971 THAT SOUTH AFRICA IS UNDER
OBLIGATION TO WITHDRAW ITS PRESENCE FROM THE TERRITORY,

CONCERNED ABOUT SOUTH AFRICA'S CONTINUED ILLEGAL OCCUPATION
OF NAMIBIA AND ITS PERSISTENT REFUSAL TO COMPLY WITH RESOLUTIONS
AND DECISIONS OF THE GENERAL ASSEMBLY AND THE SECURITY
COUNCIL, AS WELL AS THE ADVISORY OPINION OF THE INTERNATIONAL
COURT OF JUSTICE OF 21 JUNE 1971,

GRAVELY CONCERNED AT SOUTH AFRICA'S BRUTAL REPRESSION OF
THE NAMIBIAN PEOPLE AND ITS PERSISTENT VIOLATION OF THEIR
HUMAN RIGHTS, AS WELL AS ITS EFFORTS TO DESTROY THE NATIONAL
UNITY AND TERRITORIAL INTEGRITY OF NAMIBIA, AND ITS
AGGRESSIVE MILITARY BUILD-UP IN THE AREA;

1. CONDEMNS THE CONTINUED ILLEGAL OCCUPATION OF THE TERRITORY
OF NAMIBIA BY SOUTH AFRICA;

2. CONDEMNS THE ILLEGAL AND ARBITRARY APPLICATION BY SOUTH
AFRICA OF RACIALLY DISCRIMINATORY AND REPRESSIVE LAWS AND
PRACTICES IN NAMIBIA;

3. CONDEMNS THE SOUTH AFRICAN MILITARY BUILD UP IN NAMIBIA AND THE
USE OF NAMIBIA AS A BASE FOR ATTACKS ON NEIGHBOURING COUNTRIES
AND RECALLS THAT, EVEN UNDER THE LAAGUE OF NATIONS MANDATE
OF 17 JUNE 1921(NOW REVOKED) IT WAS SPECIFICALLY PROVIDED THAT
"NO MILITARY OR NAVAL BASES SHALL BE ESTABLISHED.
OR FORTIFICATIONS ERECTED IN THE TERRITORY." THE MILITARY
BUILD UP AND ACTIONS OF SOUTH AFRICA IN NAMIBIA AND THE USE
OF NAMIBIAN TERRITORY FOR EXTRA TERRITORIAL INCURSIONS
INTO NEIGHBOURING COUNTRIES CONSTITUTE, NOT ONLY A GRAVE BREACH OF
INTERNATIONAL LAW, BUT ALSO CONSTITUTE A THREAT TO INTERNATIONAL
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PEACE AND SECURITY.

4. REJECTS THE AMBIGUOUS REPLY OF SOUTH AFRICA TO SECURITY
COUNCIL RESOLUTION 366(1974) AND DOES NOT CONSIDER THE ATTEMPTS
MADE BY THE ILLEGAL SOUTH AFRICAN REGIME TO SET UP A
SO-CALLED ONSTITUTIONAL CONFERENCE IN WINDHOEK COMPOSED
OF PERSONS HANDPICKED GUIDED AND SHEPHERDED BY THE ILLEGAL
SOUTH AFRICANS AUTHORITIES AS IN ANY WAY COMPLYING WITH ANY

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OF THE REQUIREMENTS OF THE SECURITY COUNCIL; ON THE CONTRARY,
THESE ATTEMPTS APPEAR TO BE INTENDED TO EVADE THE CLEAR
MANDATE OF THE UNITED NATIONS FOR THE HOLDING OF FREE ELECTIONS UNDER
UNITED NATIONS SUPERVISION AND CONTROL IN NAMIBIA.

5. DECLARES THAT IN ORDER THAT THE PEOPLE OF NAMIBIA BE ENABLED
TO FREELY DETERMINE THEIR OWN FUTURE, IT IS IMPERATIVE
THAT FREE ELECTIONS UNDER THE SUPERVISION AND CONTROL OF THE
UNITED NATIONS BE HELD FOR THE WHOLE OF NAMIBIA AS ONE
POLITICAL ENTITY; THE DATE, TIMETABLE AND MODALITIES FOR SUCH
ELECTIONS BE DECIDED UPON BY THE UNITED NATIONS AS SOON
AS POSSIBLE, PROVIDING ALWAYS THAT A PERIOD OF NOTE LESS THAN
EIGHTEEN MONTHS SHOULD ELAPSE BETWEEN THE TIME AT WHICH
THE DATE OF THE ELECTIONS IS DETERMINED AND THE ACTUAL DATE
FOR THE HOLDING OF SUCH ELECTIONS TO ENABLE THE PEOPLE OF
NAMIBIA TO ORGANIZE POLITICALLY FOR THE ELCTIONS AND IN
ORDER THAT THE UNITED NATIONS MAY HAVE ADEQUATE TIME TO
ESTABLISH THE NECESSARY MACHINERY WITHIN NAMIBIA TO ENABLE IT
TO SUPERVISE AND CONTROL SUCH ELECTIONS.

6. DEMANDS THAT SOUTH AFRICA NOW MAKE A SOLEMN DECLARATION
ACCEPTING THE FOREGOING PROVISIONS FOR THE HOLDING OF
FREE ELECTIONS IN NAMIBIA UNDER UNITED NATIONSS'
SUPERVISION AND CONTROL AND UNDERTAKING TO COMPLY WITH THE
RESOLUTIONS AND DECISIONS OF THE UNITED NATIONS AND THE
ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE OF 21
JUNE 1971 IN REGARD TO NAMIBIA AND THAT IT RECOGNIZES THE
TERRITORIAL INTEGRITY AND UNITY OF NAMIBIA AS A NATION. SUCH
DECLARATION TO BE ADDRESSED TO THE SECURITY COUNCIL OF
THE UNITED NATIONS.

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ACTION IO-10

INFO OCT-01 AF-06 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 ARA-06 EA-07 NEA-10 DHA-02 AS-01 /101 W
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7. DEMANDS THAT SOUTH AFRICA TAKE THE NECESSARY STEPS TO EFFECT THE WITHDRAWAL, IN ACCORDANCE WITH RESOLUTION 264(1969), 269(1969) AND 366(1974), OF ITS ILLEGAL ADMINISTRATION MAINTAINED IN NAMIBIA AND TO TRANSFER POWER TO THE PEOPLE OF NAMIBIA WITH THE ASSISTANCE OF THE UNITED NATIONS;

8. DEMANDS AGAIN THAT SOUTH AFRICA, PENDING THE TRANSFER OF POWERS PROVIDED FOR IN THE PRECEDING PARAGRAPHS;

(A) COMPLY FULLY IN SPIRIT AND IN PRACTICE WITH THE PROVISIONS OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS;

(B) RELEASE ALL NAMIBIAN POLITICAL PRISONERS, INCLUDING ALL THOSE IMPRISONED OR DETAINED IN CONNEXION WITH OFFENCES UNDER SO-CALLED INTERNAL SECURITY LAWS, WHETHER SUCH NAMIBIANS HAVE BEEN CHARGED OR TRIED OR ARE HELD WITHOUT CHARGE AND WHETHER HELD IN NAMIBIA OR SOUTH AFRICA;

(C) ABOLISH THE APPLICATION IN NAMIBIA OF ALL RACIALLY DISCRIMINATORY AND POLITICALLY REPRESSIVE LAWS AND PRACTICES, PARTICULARLY BANTUSTANS AND HOMELANDS;

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(D) ACCORD UNCONDITION ALLY TO ALL NAMIBIANS CURRENTLY IN EXILE FOR POLITICAL REASONS FULL FACILITIES FOR RETURN TO THEIR COUNTRY WITHOUT RISK OF ARREST, DETENTION, INTIMIDATION OR IMPRISONMENT;

9. DECIDES TO REMAIN SEIZED OF THE MATTER AND TO MEET ON OR BEFORE 30 MAY 1976 FOR THE PURPOSE OF REVIEWING SOUTH AFRICA'S COMPLIANCE WITH THE TERMS OF THIS RESOLUTION AND, IN THE EVENT OF NON-COMPLIANCE BY SOUTH AFRICA, FOR THE PURPOSE OF CONSIDERING THE APPROPRIATE MEASURES TO BE TAKEN UNDER THE CHARTER. UNQTE.
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